

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Northern Division

AMADI NWOKOCHA,

\*

Plaintiff,

\*

v.

\*

Civil Action No.:  
1:07-cv-00861-AMD

KALICO EXPORTS, INC,

\*

CP SHIPS,

\*

HAPAG-LLOYD (America) Inc.,

\*

And

\*

HAPAG-LLOYD AG,

\*

Defendants

\*

\* \* \* \* \*

**DEFENDANTS CP SHIPS, HAPAG-LLOYD (AMERICA) INC. AND HAPAG-LLOYD AG'S AMENDED MOTION TO DISMISS FOR LACK OF VENUE OR, IN THE ALTERNATIVE, TO TRANSFER VENUE**

Defendants CP Ships, Hapag-Lloyd (America) Inc., and Hapag-Lloyd AG, by and through their undersigned counsel, hereby move to dismiss this action for lack of venue, pursuant to Fed. R. Civ. P. 12(b)(3). In the alternative, Defendants respectfully request that this Court transfer this action to the United States District Court for the Southern District of New York under 28 U.S.C. § 1406(a) or 28 U.S.C. § 1404(a).

As demonstrated in the attached memorandum, Plaintiff's maritime contract with Defendants contained an unequivocal forum selection clause creating exclusive venue in

the United States District Court for the Southern District of New York. As a result, this Court is not the proper venue, and the instant action should be dismissed or transferred.

Respectfully submitted,

/s/ W. Charles Bailey, Jr.  
W. Charles Bailey, Jr. (#23580)  
J. Stephen Simms (#4269)  
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Counsel for Defendants,  
CP Ships, Hapag-Lloyd (America) Inc.,  
and Hapag-Lloyds AG

**CERTIFICATE OF SERVICE**

I hereby certify that on August 23, 2007, I caused a copy of the foregoing Defendants CP Ships, Hapag-Lloyd (America) Inc., and Hapag-Lloyd AG's Amended Motion to Dismiss For Lack of Venue Or, In The Alternative, To Transfer Venue; Memorandum in Support of Amended Motion to Dismiss for Lack of Venue; Exhibits; and proposed Order to be served on Defendant, KALICO EXPORTS, INC., via First Class United States Mail, as follows:

KALICO EXPORTS, INC.  
Serve on Resident Agent:  
Ukebu U. Kalu  
2305 Westfield Avenue  
Baltimore, MD 21224

and on counsel for Plaintiff, Amadi Nwokocha,

Uduak J. Ubom  
Obinna Duruji  
7600 Georgia Avenue, N.W.  
Suite 410  
Washington, DC 20012

via the Courts electronic case filing system.

/s/ W. Charles Bailey, Jr.  
W. Charles Bailey, Jr. (#23580)